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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Central de Trabajadores Democráticos (El Salvador) and the International Confederation of Free Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[27 February 1996]

We value and pay tribute to the well-directed efforts and the determination with which reports by Governments on compliance with and continuing effectiveness of economic, social and cultural rights are examined and considered; we recognize that the world trade union movement is particularly and especially indebted to the United Nations for its orientation and guidelines which have provided, through the consideration of reports submitted by those who wield power, so valuable an instrument and means for supervising and directing the establishment of democracy and development. We are offered an outstanding opportunity to present our views, criticisms and observations as Salvadorans, working citizens and trade unionists.

I. We shall always recognize the oral and written skills deployed by the Government and its keen sense of propagandistic reconciliation. While we cannot deny that the war as an armed and bloody confrontation is over, we believe that the present stage is a purely technical change of tack which allows the same course to be maintained as neither the conduct of the State

authorities nor that of its officials have changed so as to open the way for effective participation by organized civil society. The judiciary does not allow the Government to lie about or to dissimulate the antagonism it foments and cultivates by violating the covenants, agreements and conventions and the entire body of positive law which recognizes and regulates man's condition and destiny and his right to well-being and security.

II. Even prior to the 1950 Salavadoran Constitution the trade unions have always advocated the need for a modicum of social equity and for effective constitutional recognition of the right to organize trade unions and freedom of association, and for the relationship between labour and capital to be determined in accordance with the Constitution, with secondary legislation and with international covenants, agreements and conventions. However, the positions and responses of the Government and its officials neither comply with nor show any consideration for the norms regulating labour and labour relations. Workers are systematically denied the norms and rights in question, and in particular the right to freedom of association and the right to organize trade unions. In practice workers' demands are rejected and the officials of the "Ministry of Labour and Social Welfare" are totally corrupt and incapable of supervising and ensuring compliance with the spirit of labour legislation. Agricultural workers are in a similar position as their right to participate is neither respected nor recognized despite their efforts before, during and after the war to press for their rights.

Acts of violence, failure to respect, non-compliance with and violation of the labour, human and trade union rights of rural and urban workers are more frequent each day; the new institutional order that has emerged from the peace agreements, the International Covenant on Economic, Social and Cultural Rights and national legal norms have remained a dead letter, a rhetorical device, and no effort has been made by the State authorities to adapt to the need for change required by law and by the new world environment.

III. We in the Central de Trabajadores Democráticos have direct experience of violence, of violation and systematic denial of the right to organize trade unions. We have experienced repression, threats, abduction and dismissal in defiance of trade union rights (dismissal of pregnant women), culminating in the psychological terror of death threats against trade unionists and their relatives to force them to resign from the union. (As happened on 22 December 1995 to the leadership of the workers' union of the Mandarin International Company (GAP), and on many other occasions).

IV. The report by the Government of El Salvador conceals the fact that the "Ministry of Labour and Social Welfare" is being used to close down places of employment in violation of collective bargaining agreements, of freedom of work and of the right to be informed; this occurred at the FAMOSA pasta and flour factory in January 1996, when the trade union was crushed without any attempt to safeguard the rights of the workers, who were compelled to accept the closure of the factory and the loss of their jobs, while the State did nothing to intervene as required by law (Constitution, art. 37: "Work is a social function and enjoys protection from the State ..."). The trade unions

can find no evidence of State protection for the economic, social and cultural rights recognized by the Covenant. In our experience violations of these rights are condoned rather than condemned. At the very least the Government should recognize that the conduct of the authorities and of officials is not in keeping with the spirit of labour legislation. It is by no means the case that the right to organize may effectively be exercised. In the last quarter of 1995 alone CTD was informed of the refusal to recognize the company trade union of RAYDER'S TEXTILES and of the variable capital enterprise GABO S.A., of the destruction of SETMI, the Mandarin International company's trade union (whose leaders were forced to resign), and in June 1995 of the destruction of the trade union of the variable capital enterprise SAMGBANGWOOL, APPAREL S.A.

V. Where social security is concerned, the State is depriving the population of protection and shifting the burden of assistance and social security to the individual, at a time when the number of poor is increasing because of the unfair distribution of GDP. Statistics reveal the rise in precariousness, delinquency, unemployment, marginalization and child labour. Large numbers of people are without social security and the solutions adopted do nothing to resolve the structural causes, but are directed rather towards traditional forms of assistance which thwart aspirations to a just distribution and sharing of the product of labour and of cooperation between capital, the State and workers. We once again assert that the conduct of the authorities in El Salvador disregards the law and that they shirk their true duty to administer and provide leadership for society. We believe that priority must be given to day-to-day practice and experience in the field of labour relations with regard to rights such as the right to work, the right to decent working conditions, trade union rights, the right to social security, the right to protection for the family, mothers and children, the right to education, etc. and that the conduct of the Government and of its officials must comply with and be based on existing legal norms; failing this, cycles of social unrest are inevitable as a result of the breakdown of the law and of reason and the corruption of government officials who disregard or misapply the law.

In its report to the United Nations on the implementation of article 9 of the International Covenant on Economic, Social and Cultural Rights the Government of El Salvador asserts that the ANTEL hospital "is financed by a grant from the National Telecommunications Administration (ANTEL) and by the contributions of its employees" and that it "covers a population of 49,577 people, composed of employees and their families, representing 0.9 per cent of the total population of the country".

Despite the claim made by the Government in paragraph 44 of the report that "The State ... is responsible for the provision of social security", we know for a fact that the hospital in question is currently being privatized; as a result, this joint worker-employer welfare and social security establishment, which provides care for workers, will cease to cater for those who have hitherto benefited from it.

We reaffirm our willingness to support and participate in any initiative whose aim is to ensure compliance with and implementation of the International Covenant on Economic, Social and Cultural Rights by contributing our experience and observations on specific developments in this area. It is our hope thus to contribute to progress with the process of re-education and of changing behaviour in order subsequently to generate deeper joint commitment to genuine peace, integration and social reconciliation for the benefit of authentic democracy, national development and international cooperation.

Carlos Alfredo Hurtado
General-Secretary of CTD (Stamp of CTD)